

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

**Civil Action No.: 2:18-cv-00735-DCN**

MARK FULTZ,	)	
	)	
Plaintiff,	)	<b>MOTION OF DEFEDANT, FINCHER,</b>
	)	<b>PATRICK, WEIR, LLC, TO DISMISS</b>
v.	)	<b>PURSUANT TO FED.R.CIV.P. 12(b)(6) FOR</b>
	)	<b>FAILURE TO STATE A CLAIM UPON</b>
FINCHER, PATRICK, WEIR, LLC,	)	<b>WHICH RELIEF CAN BE GRANTED AND</b>
AND BI-LO, LLC,	)	<b>TO DISMISS PURSUANT TO FED.R.CIV.P.</b>
	)	<b>12(b)(1) FOR LACK OF SUBJECT MATTER</b>
Defendants.	)	<b>JURISDICTION</b>
	)	

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**TO: ANTHONY J BRADY, ESQ., ATTORNEY FOR PLAINTIFF, MARK FULTZ, AND TO PLAINTIFF, MARK FULTZ.**

**PLEASE TAKE NOTICE THAT** pursuant to FED.R.CIV.P. 12(b)(1) and (6) Defendant, Fincher, Patrick, Weir, LLC (hereinafter collectively referred to as “Fincher”) by and through its undersigned counsel, shall move before the Honorable David C. Norton, Judge, United States District Court for the District of South Carolina at the United States District Courthouse located at 80 Broad Street, Charleston, South Carolina, within ten (10) days after service hereof or within such time as this Court may allow, for an order dismissing this matter. This motion is made on the grounds stated in the Memorandum in Support of the Motion of Defendant, Fincher, Patrick, Weir, LLC, to Dismiss Pursuant to FED.R.CIV.P. 12(b)(6) for Failure to State a Claim Upon Which Relief Can Be Granted and to Dismiss Pursuant to FED.R.CIV.P. 12(b)(1) for Lack of Subject Matter Jurisdiction of even date herewith.

Respectfully Submitted,

**PRITCHARD LAW GROUP, LLC**

/s/ Edward K. Pritchard, III  
Edward K. Pritchard, III, Esq.  
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*Attorneys for Defendant, Fincher,  
Patrick, Weir, LLC*

March 21, 2018  
Charleston, South Carolina

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the *Motion of Defendant, Fincher, Patrick, Weir, LLC, to Dismiss Pursuant to FED.R.CIV.P. 12(b)(6) for Failure to State a Claim Upon Which Relief Can Be Granted and to Dismiss Pursuant to FED.R.CIV.P. 12(b)(1) for Lack of Subject Matter Jurisdiction* to was filed electronically as listed and and/or to those required by U.S. Mail, First Class, Postage Paid, to all known counsel of record, as follows:

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-AND-

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Charleston, South Carolina